

Procedure for Handling Participation in Foreign Talent Recruitment Programmes

Contents

1. Purpose	2
2. Definitions	2
3. Scope	3
4. Procedure	3
5. Responsibilities	4
Appendix 1: Foreign Talent Recruitment Programme Declaration Form	6
Appendix 2: Declaration for Non-Participation in Malign Foreign Talent Recruitment Programmes (MFTRPs)	7
Appendix 3: Legal Definitions	8
Covered Individual	8
Foreign Country of Concern	8
Foreign Talent Recruitment Program (FTRP)	8
Malign Foreign Talent Recruitment Programme (MFTRP)	9

1. Purpose

This procedure ensures compliance with the [U.S. Public Law 117-167](#), commonly known as the CHIPS and Science Act of 2022, focusing on:

- Disclosing participation in Foreign Talent Recruitment Programme (FTRP).
- Prohibiting participation in Malign Foreign Talent Recruitment Programme (MFTRP) in federal research awards.
- Restricting MFTRP participants from federally funded projects.

2. Summary Definitions

Full detailed definitions of key terms are provided in Appendix 3. The following summary definitions are provided to facilitate understanding of this Procedure. Anyone affected by the procedure must also consider the full definitions included in [Appendix 3: Legal Definitions](#).

2.1 Covered Individual: An individual contributing in a substantive and meaningful way to the scientific development and execution of a federally funded research project and designated as a covered individual by the relevant Federal agency.¹ This includes PIs, Co-PIs, researchers, students, and other key personnel, regardless of whether their contribution to the work is paid or unpaid.

2.2 Foreign Country of Concern: Countries currently specified by the CHIPS and Science Act (currently China, North Korea, Russia, and Iran) as is defined in Section 10612 of [CHIPS and Science Act of 2022](#). Note that the countries designated as Foreign Countries of Concern may change from time to time.

2.3 Foreign Talent Recruitment Program (FTRP): Any programme, position or activity where a foreign country or related entity compensates an individual through various means like cash, research funding, travel, titles, or other benefits. The definition excludes activities like presenting at international conferences, advising foreign students, or engaging in other scientific collaborations that are open and reciprocal, unless they are funded or organised by specific institutions marked under U.S. law. For a full definition and full list of exclusions see appendix 3.

2.4 Malign Foreign Talent Recruitment Programme (MFTRP): This is a specific type of FTRP that is considered harmful or illegal under U.S. law. An MFTRP must be sponsored by a Foreign Country of Concern or an academic institution specified in the John S. McCain National Defense Authorization Act (this Act also includes a list of FTRPs that have been specifically identified as malign).² An MFTRP must also include compensation for one of a list of specified activities including transferring intellectual property without authorisation, recruiting others

¹ Each Federal agency will have their own definition of a Covered Individual. This will almost always include the Principal Investigator and Co-investigators with other individuals added according to the agency's requirements. For example, the Department of Energy includes all individuals responsible for the purpose, design, conduct or reporting of a DoE funded project

² See [Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education \(defense.gov\)](#) (pp. 18-21)

into these programs, or establishing operations in a foreign country against U.S. award conditions. For a full list of specified activities see appendix 3.

3. Scope

This procedure applies to all University employees and workers (staff), students, visiting scholars, emeritus staff, individuals with an honorary contract or voluntary research agreement with the University, and those holding honorary clinical contracts. This procedure does not apply to staff engaged for employment under Statute J 6 when undertaking research in the service of the Press and Assessment Department, nor does it apply to the Colleges, or any subsidiary companies of the University unless expressly stated.

The procedure only applies to those participating in a project funded by or an application for funding from a United States Federal funder.

All individuals at the University defined as 'Covered Individuals' under [2.1](#) must comply with this procedure.

This procedure does not apply to federal awards made prior to 9 August 2022.

4. Procedure

- 4.1. All Covered Individuals listed on a proposal to a Federal agency, must disclose any participation (including pending participation) in an FTRP contract, agreement, or other arrangement to the research funding agency at the time of submission of a proposal for a federal research development award.
- 4.2. Disclosure requirements by federal funders vary, but typically FTRP participation should be disclosed as part of the submitted biographical sketch or other disclosure forms such as Statements of Interest for new proposals. If funders have not specified any template or approach for disclosing, disclosures should be made as part of the submitted biographical sketches. The [Science Experts Network Curriculum Vitae](#) (SciENCv) managed by NSF, and the OSTP [Biographical Sketch Common Form](#), provide templates for these disclosures.
- 4.3. Covered Individuals must certify non-participation in MFTRPs to the research funding agency at the time of proposal submission and annually thereafter for the duration of the award. Should the funder not include required wording for this certification as part of their required biographical sketches, Covered Individuals may use the suggested wording included in outlined in [Appendix 2](#).
- 4.4. Where new Covered Individuals are added to a project or projects at or after award stage, the Principal Investigator must ensure that the disclosures normally required by this Procedure at the time of submission are made before the Covered Individual begins participation in the project. This may require multiple disclosures where an individual is participating in multiple federally funded projects.

- 4.5. Covered Individuals on ongoing federally funded grants must disclose any new FTRP participation to the University within 30 days using the form in Appendix 1, by emailing the form to crocompliance@admin.cam.ac.uk. The Research Office will disclose any new FTRP participation to the relevant federal funders.
- 4.6. Any individual planning to apply for or be involved in an application for federal funding should inform the Research Office as early as possible in the process. Covered Individuals on ongoing federally funded grants who become participants in an MFTRP must inform the Research Office as soon as possible and within 30 days of the beginning of participation at the latest. Notifications of MFTRP participation should be made by completing the form in Appendix 1 and sending it to crocompliance@admin.cam.ac.uk. The Research Office will actively monitor MFTRP declarations to ensure compliance with federal funding requirements.
- 4.7. Any Covered Individual who is unsure whether an international Programme, position or activity meets the definition of an FTRP is advised to declare the relationship for transparency. Advice is also available by emailing crocompliance@admin.cam.ac.uk.
- 4.8. Any Covered Individual who is unsure whether an international Programme, position or activity meets the definition of an MFTRP must seek advice from crocompliance@admin.cam.ac.uk.
- 4.9. Principal Investigators must ensure that all those on their grant and/or application meeting the definition of 'Covered Individual' are aware of and have complied with this Procedure. When leading a consortium, they must also obtain attestation from collaborators on Federally funded research projects or applications that they are not a member of an MFTRP.
- 4.10. All Covered Individuals must complete the Research Security Training provided by the US National Science Foundation within one year of the submission of the application for funding from a federal agency under which they first became a Covered Individual.³ Completion certificates for all Covered Individuals must be retained by the Principal Investigator. Training must be renewed at least once every three years.

5. Responsibilities

- **Principal Investigators (PIs):** Ensure compliance with federally funded awards for which they are responsible. This includes informing all involved parties of this procedure, certifying non-participation in MFTRPs, managing disclosures in accordance with University and funder obligations, and retaining the primary records of training completion for all Covered Individuals.

³ The training is available on the NSF website: <https://www.nsf.gov/research-security/training>. A completion certificate is generated by the NSF website and should be retained for audit purposes.



UNIVERSITY OF CAMBRIDGE

Research Operations Office

- **Covered Individuals:** Promptly disclose any participation in FTRPs at the time of proposal submission and to the university within 30 days. Also, certify non-participation in MFTRPs at the time of submission and annually thereafter or at such time as the procedure or the applicable federal funding body dictates. Complete the training requirement set out in 4.10 and provide records of training completion to the Principal Investigator.
- **University Research Office:** Provide this procedure to all Principal Investigators on current Federal research and development grants and on all new applications for Federal research and development funding. Provide necessary training and communication and assist in the disclosure process using the specified templates to ensure adherence to guidelines.
- **Head of Department:** To ensure awareness of and compliance with this Procedure within the Department.

Appendix 1: Foreign Talent Recruitment Programme Declaration Form

This form must be completed by Covered Individuals (as defined in 2.1 of the attached Procedure) within 30 days of participation of any Foreign Talent Recruitment Programme (as defined in section 2.3 of the attached Procedure).

The form must be signed and submitted to your Head of Department and to the Research Office (crocompliance@admin.cam.ac.uk). Any declaration made through this form will be communicated to all federal funders funding the Covered Individual.

1. Name of Foreign Talent Recruitment Programme (FTRP)	
2. Funder of FTRP (if known)	
3. Country of origin of FTRP	
4. Date on which you began or will begin participation in the FTRP	
5. Does the FTRP meet the definition of a Malign FTRP (as defined in section 2.4 of the attached Procedure)?	
6. Is the FTRP sponsored by a Foreign Country of Concern (as defined in section 2.2 of the attached Procedure)?	
7. Is the FTRP sponsored by an institution on the list of Institutions with specified characteristics? ⁴	
8. Is the FTRP included on the list of Programme that Pose a Threat to National Security Interests of the United States? ⁵	

I [Insert name] confirm that the above information is accurate to the best of my knowledge and understanding.

Signature _____

Date _____

⁴ [Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education \(defense.gov\)](#) (pp. 18-20)

⁵ [Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education \(defense.gov\)](#) p. 21.

Appendix 2: Declaration for Non-Participation in Malign Foreign Talent Recruitment Programmes (MFTRPs)

Federal research and development award	
Title of the award	
Application number	
Award number (for annual certification)	
Annual period covered by this declaration	
from (date)	to (date)

I hereby certify that I am fully aware of the requirements and prohibitions outlined in the Procedure for Malign Foreign Talent Recruitment Programme (MFTRP). I affirm that, at the time of this proposal submission for the federal research and development award and as of this annual certification and for the upcoming year, I am not participating in any MFTRP. I understand that participation in such a Programme would disqualify me from receiving federal grant funding.

Signature _____

Date _____

Appendix 3: Legal Definitions

Covered Individual

The term “covered individual” means an individual who:

- a) contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a Federal research agency; and
- b) is designated as a covered individual by the Federal research agency concerned.

Federal agencies may use different terms for Covered Individuals including Principal Investigators (PI), Co-Investigators / Co-PI, Investigators, Project Directors, Project Co-Directors, Key Performers, Senior Personnel, Named Researchers, Named Individuals, and Sponsored Researchers.

Please note: status as a Covered Individual is based on the contribution to the project as defined in 2.1 a) above and not on the title of the individual concerns. As such, it can include faculty members, research scientists, researchers, visiting scientists, students (undergraduate or graduate) or postdoctoral researchers regardless of whether their contribution to the work is paid or unpaid.

Foreign Country of Concern

For the purpose of this Procedure the term “Foreign Country of Concern” is as is defined in Section 10612 of [CHIPS and Science Act of 2022](#) i.e.: the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, and the Islamic Republic of Iran. Please note that the US Secretary of State may designate other countries as Foreign Countries of Concern.

Foreign Talent Recruitment Program (FTRP)

For the purpose of this Procedure the term FTRP is as is defined by the [US Office of Science and Technology Policy](#) which is as follows:

“any program, position, or activity that includes compensation in the form of cash, in-kind compensation, including research funding, promised future compensation, complimentary foreign travel, things of non de minimis value, honorific titles, career advancement opportunities, or other types of remuneration or consideration directly provided by a foreign country at any level (national, provincial, or local) or their designee, or an entity based in, funded by, or affiliated with a foreign country, whether or not directly sponsored by the foreign country, to an individual, whether directly or indirectly stated in the arrangement, contract, or other documentation at issue.”

A FTRP does not include the following international collaboration activities so long the activity is not funded, organised or managed by an academic institution or FTRP on the lists developed under paragraphs (8) and (9) of Section 1286(c) of the National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note; Public Law 115-232)⁶:

1. Making scholarly presentations and publishing written materials regarding scientific information not otherwise controlled under current law;
2. Participating in international conferences or other international exchanges, research projects or programs that involve open and reciprocal exchange of scientific

⁶ [Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education \(defense.gov\)](#) pp. 18-21.



information, and which are aimed at advancing international scientific understanding and not otherwise controlled under current law;

3. Advising a foreign student enrolled at an institution of higher education or writing a recommendation for such a student, at such student's request; and
4. Engaging in the following international activities:
 - a. Activities that are partly sponsored or otherwise supported by the United States such as serving as a government appointee to the board of a joint scientific fund (e.g., the U.S.- Israel Binational Industrial Research and Development Foundation); providing advice to or otherwise participating in international technical organizations, multilateral scientific organizations, and standards setting bodies (e.g., the International Telecommunications Union, Intergovernmental Panel on Climate Change, etc.); participating in a Fulbright Commission program funded in whole or in part by a host country government; or other routine international scientific exchanges and interactions such as providing invited lectures or participating in international peer review panels.
 - b. Involvement in national or international academies or professional societies that produce publications in the open scientific literature that are not in conflict with the interests of the federal research agency.
 - c. Taking a sabbatical, serving as a visiting scholar, or engaging in continuing education activities such as receiving a doctorate or professional certification at an institution of higher education that are not in conflict with the interests of the federal research agency.
 - d. Receiving awards for research and development which serve to enhance the prestige of the federal research agency.
 - e. Other international activities determined appropriate by the federal research agency head or designee.

Malign Foreign Talent Recruitment Programme (MFTRP)

For the purposes of this procedure a MFTRP is defined as is defined in in [Section 10638 of the CHIPS and Science Act of 2022](#) and the [Office of Science and Technology Policy \(OSTP\) Guidelines](#). I.e. it is defined as an FTRP where the compensation offered is in exchange for one of the following:

- a) Engaging in the unauthorized transfer of intellectual property, materials, data products, or other nonpublic information owned by a United States entity or developed with a Federal research and development award to the government of a foreign country or an entity based in, funded by, or affiliated with a foreign country regardless of whether that government or entity provided support for the development of the intellectual property, materials, or data products;
- b) Being required to recruit trainees or researchers to enroll in such program, position, or activity;
- c) Establishing a laboratory or company, accepting a faculty position, or undertaking any other employment or appointment in a foreign country or with an entity based in, funded by, or affiliated with a foreign country if such activities are in violation of the standard terms and conditions of a Federal research and development award;
- d) Being unable to terminate the foreign talent recruitment program contract or agreement except in extraordinary circumstances;
- e) Through funding or effort related to the foreign talent recruitment program, being limited in the capacity to carry out a research and development award or required to engage in



work that would result in substantial overlap or duplication with a Federal research and development award;

- f) Being required to apply for and successfully receive funding from the sponsoring foreign government's funding agencies with the sponsoring foreign organization as the recipient;
- g) Being required to omit acknowledgment of the recipient institution with which the individual is affiliated, or the Federal research agency sponsoring the research and development award, contrary to the institutional policies or standard terms and conditions of the Federal research and development award;
- h) Being required to not disclose to the Federal research agency or employing institution the participation of such individual in such program, position, or activity; or
- i) Having a conflict of interest or conflict of commitment contrary to the standard terms and conditions of the Federal research and development award;

The FTRP must also be sponsored by:

- a) a foreign country of concern or an entity based in a foreign country of concern, whether or not directly sponsored by the foreign country of concern; or
- b) an academic institution on the list developed under section 1286(c)(8) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; Public Law 115-232)⁷; or
- c) a foreign talent recruitment program on the list developed under section 1286(c)(9) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note; Public Law 115-232).⁸

⁷ [Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education \(defense.gov\)](#) (pp. 18-20)

⁸ [Countering Unwanted Foreign Influence in Department-Funded Research at Institutions of Higher Education \(defense.gov\)](#) p. 21.